

**LAW OFFICES OF GENE MESH AND ASSOCIATES**

20 July 2004

By Hand Delivery

Patrick F. Fischer, Esq.  
 KEATING, MUETHING & KLEKAMP, P.L.L.  
 1400 Provident Tower  
 One East Fourth Street  
 Cincinnati, Ohio 45202-3752

**Re: OHSL**

Dear Mr. Fischer:

I am writing in response to my correspondence with both you and Barrett & Weber with respect to the subpoena served on 10 June 2004. Barrett & Weber objected to the subpoena on 24 June 2004, and I wrote back the next day withdrawing certain requests and attempting, in good faith, to narrow the issues. After this letter, you began corresponding with me on issues related to the subpoena.

As an initial matter, please note that this subpoena is directed to KMK, not to the OHSL and Provident Defendants, though it is often hard to tell where the former ends and the latter begins. To the extent that you believe that the exact same document or documents have previously been produced by either the OHSL or the Provident Defendants, would you kindly indicate the Bates range on the production in some type of log, similar to a privilege log? For example, you might state, all drafts of the Proxy Materials/Registration Statement were previously produced by the OHSL and Provident Defendants at Bates range OHSL 001 to 100.

2605 Burnet Avenue  
 at Taft Road  
 Cincinnati, Ohio 45219-2502  
 TELEPHONE (513) 221-8800

FAX (513) 221-1097

Subject to the above limitation, the following corresponds with the numbered requests in the subpoena:

1. This request is appropriate without modification;
2. This request is appropriate without modification;
3. KMK may not have any documents related to this request, but if they do, the request is appropriate;
4. This request is appropriate without modification;
5. KMK may not have any documents related to this request, but if they do, the request is appropriate;
6. KMK may not have any documents related to this request, but if they do, the request is appropriate;
7. KMK may not have any documents related to this request, but if they do, the request is appropriate;
8. This request is appropriate without modification;



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9. KMK may not have any documents related to this request, but if they do, the request is appropriate;
10. This request is appropriate without modification;
11. KMK may not have any documents related to this request, but if they do, the request is appropriate;
12. KMK may not have any documents related to this request, but if they do, the request is appropriate;
13. To the extent that KMK retains PFGI Board minutes, this request is appropriate;
14. This request is appropriate without modification;
15. I believe a single page was previously provided with respect to this request, and if there are no additional documents response to the request, the request has been complied with;
16. This request is appropriate without modification;
17. This request is appropriate without modification;
18. This request is appropriate without modification;
19. This request is appropriate without modification;
20. This request is appropriate without modification;
21. This request is appropriate without modification;
22. Would you kindly describe in detail, without conclusory allegations, why you feel that documents that may have been provided to the Lindner family are patently objectionable? This general topic was covered at depositions with PFGI Board members, i.e. what, if anything, PFGI Board members said to members of the Lindner family, and if a specific packet on the Restatements was presented to them, I believe that it is appropriately called for in the subpoena. On the other hand, if you tell me in detail why you are troubled by this request, I will consider withdrawing it. At minimum, kindly indicate if any documents exist that are responsive to the request, since if no documents exist, the request is moot.
23. This request is appropriate without modification;
24. This request has previously been withdrawn;
25. This request is appropriate without modification;

I respectfully request your consideration of the above. Should you wish to discuss this or any other issue relating to KMK in good faith, do not hesitate to call.

Sincerely,



Michael G. Brautigam

Cc: All Counsel by Fax



## LAW OFFICES OF GENE MESH AND ASSOCIATES

**FAXED**  
8/23/04

23 August 2004

By Fax 579 6457

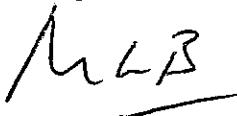
Patrick F. Fischer, Esq.  
KEATING, MUETHING & KLEKAMP, P.L.L.  
1400 Provident Tower  
One East Fourth Street  
Cincinnati, Ohio 45202-3752

**Re: OHSL**

Dear Mr. Fischer:

I write with respect to our ongoing standoff with respect to the subpoena that Plaintiffs have served on KMK in an attempt to narrow the issues, if possible. Is there even a single piece of paper that KMK is willing to produce pursuant to the subpoena absent a Court Order?

Sincerely,



Michael G. Brautigam

2605 Burnet Avenue  
at Taft Road  
Cincinnati, Ohio 45219-2502

cc: All Counsel by Fax

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**LAW OFFICES OF GENE MESH AND ASSOCIATES**

27 August 2004

By Fax 579 6457

Patrick F. Fischer, Esq.  
KEATING, MUETHING & KLEKAMP, P.L.L.C.  
1400 Provident Tower  
One East Fourth Street  
Cincinnati, Ohio 45202-3752

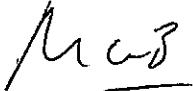
**Re: OHSL**

Dear Mr. Fischer:

I write in response to my letter of 23 August 2004 regarding the subpoena issued to KMK to which I have not received a response. By not responding, I can only conclude that you have no intent whatsoever to even participate in a discussion that might limit the issues before the Court. I have thus met my obligation pursuant to Local Rule 37.2, and you have continued your pattern and practice of refusing to meaningfully cooperate—or even cooperate at all—in this discovery dispute.

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at Taft Road  
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Sincerely,



Michael G. Brautigam

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cc: All Counsel by Fax

